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AMENDMENTS TO LB 1310

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. The State Treasurer shall transfer four
4 million dollars from the Bureau of Examining Boards' Cash Fund to
5 the General Fund within fifteen days after July 1, 2002.

6 Sec. 2. Section 9-1,101, Revised Statutes Supplement,
7 2001, is amended to read:

8 9-1,101. (1) The Nebraska Bingo Act, the Nebraska County
9 and City Lottery Act, the Nebraska Lottery and Raffle Act, the
10 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
11 Raffle Act, and section 9-701 shall be administered and enforced by
12 the Charitable Gaming Division of the Department of Revenue, which
13 division is hereby created. The Department of Revenue shall make
14 annual reports to the Governor, Legislature, Auditor of Public
15 Accounts, and Attorney General on all tax revenue received,
16 expenses incurred, and other activities relating to the
17 administration and enforcement of such acts.

18 (2) The Charitable Gaming Operations Fund is hereby
19 created. Any money in the fund available for investment shall be
20 invested by the state investment officer pursuant to the Nebraska
21 Capital Expansion Act and the Nebraska State Funds Investment Act.

22 (3) (a) Forty percent of the taxes collected pursuant to
23 sections 9-239, 9-344, 9-429, and 9-648 shall be available to the
24 Charitable Gaming Division for administering and enforcing the acts

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1 listed in subsection (1) of this section and section 81-8,128. The
2 remaining sixty percent shall be transferred to the General Fund.
3 Any portion of the forty percent not used by the division in the
4 administration and enforcement of such acts and section shall be
5 ~~transferred to the Compulsive Gamblers Assistance Fund and the~~
6 ~~General Fund distributed~~ as provided in this subsection. ~~Within~~
7 ~~fifteen days after May 15, 2001, and on~~

8 (b) On or before November 1, 2002, and on November 1 of
9 each year, ~~thereafter, (a)~~ the State Treasurer shall transfer fifty
10 thousand dollars from the Charitable Gaming Operations Fund to the
11 Compulsive Gamblers Assistance Fund, except that no transfer shall
12 occur if the Charitable Gaming Operations Fund contains less than
13 fifty thousand dollars.

14 (c) Any ~~and (b)~~ the State Treasurer shall transfer to
15 ~~the General Fund any~~ money remaining in the Charitable Gaming
16 Operations Fund after the transfer pursuant to subdivision ~~(a)~~ (b)
17 of this subsection not used by the Charitable Gaming Division in
18 its administration and enforcement duties pursuant to this section
19 may be transferred to the General Fund at the direction of the
20 Legislature.

21 (4) The Tax Commissioner shall employ investigators who
22 shall be vested with the authority and power of a law enforcement
23 officer to carry out the laws of this state administered by the Tax
24 Commissioner or the Department of Revenue.

25 (5) The Charitable Gaming Division may charge a fee for
26 publications and listings it produces. The fee shall not exceed
27 the cost of publication and distribution of such items. The

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1 division may also charge a fee for making a copy of any record in
2 its possession equal to the actual cost per page. The division
3 shall remit the fees to the State Treasurer for credit to the
4 Charitable Gaming Operations Fund.

5 (6) The State Treasurer shall transfer seven hundred
6 eighty thousand dollars from the Charitable Gaming Operations Fund
7 to the General Fund within fifteen days after July 1, 2002.

8 Sec. 3. Section 9-812, Revised Statutes Supplement,
9 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh
10 Legislature, First Special Session, 2001, is amended to read:

11 9-812. (1) All money received from the operation of
12 lottery games conducted pursuant to the State Lottery Act in
13 Nebraska shall be credited to the State Lottery Operation Trust
14 Fund, which fund is hereby created. All payments of expenses of
15 the operation of the lottery games shall be made from the State
16 Lottery Operation Cash Fund. In accordance with legislative
17 appropriations, money for payments for expenses of the division
18 shall be transferred from the State Lottery Operation Trust Fund to
19 the State Lottery Operation Cash Fund, which fund is hereby
20 created. All money necessary for the payment of lottery prizes
21 shall be transferred from the State Lottery Operation Trust Fund to
22 the State Lottery Prize Trust Fund, which fund is hereby created.
23 The amount used for the payment of lottery prizes shall not be less
24 than forty percent of the dollar amount of the lottery tickets
25 which have been sold. At least twenty-five percent of the dollar
26 amount of the lottery tickets which have been sold on an annualized
27 basis shall be transferred from the State Lottery Operation Trust

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1 Fund to the Education Innovation Fund, the Nebraska Environmental
2 Trust Fund, and the Compulsive Gamblers Assistance Fund. Of the
3 money available to be transferred to the Education Innovation Fund,
4 the Nebraska Environmental Trust Fund, and the Compulsive Gamblers
5 Assistance Fund, the first five hundred thousand dollars shall be
6 transferred to the Compulsive Gamblers Assistance Fund to be used
7 as provided in sections 83-162.01 to 83-162.04. Thereafter,
8 forty-nine and one-half percent of the money remaining after the
9 payment of prizes and operating expenses and the initial transfer
10 to the Compulsive Gamblers Assistance Fund shall be transferred to
11 the Education Innovation Fund. Forty-nine and one-half percent of
12 the money remaining after the payment of prizes and operating
13 expenses and the initial transfer to the Compulsive Gamblers
14 Assistance Fund shall be transferred to the Nebraska Environmental
15 Trust Fund to be used as provided in the Nebraska Environmental
16 Trust Act. One percent of the money remaining after the payment of
17 prizes and operating expenses and the initial transfer to the
18 Compulsive Gamblers Assistance Fund shall be transferred to the
19 Compulsive Gamblers Assistance Fund to be used as provided in
20 sections 83-162.01 to 83-162.04.

21 (2) The Education Innovation Fund is hereby created. At
22 least seventy-five percent of the lottery proceeds allocated to the
23 Education Innovation Fund shall be available for disbursement. For
24 each fiscal year except fiscal years 2001-02 and 2002-03, the
25 Education Innovation Fund shall be allocated in the following
26 manner: Up to ten percent to fund the mentor teacher program
27 pursuant to the Quality Education Accountability Act; up to sixty

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1 percent as quality education incentives pursuant to the act; up to
2 twenty percent to the Attracting Excellence to Teaching Program
3 Cash Fund to fund the Attracting Excellence to Teaching Program
4 Act; and up to ten percent of the fund shall be allocated by the
5 Governor. For fiscal years 2001-02 and 2002-03, the Education
6 Innovation Fund shall be allocated in the following manner by the
7 Excellence in Education Council: Up to one million five hundred
8 thousand dollars per fiscal year, as a distance education network
9 completion grant pursuant to section 79-1328; and, after operating
10 expenses for the Excellence in Education Council are deducted, the
11 remainder to the General Fund. The State Treasurer shall transfer
12 one million six hundred thousand dollars from the Education
13 Innovation Fund to the General Fund within fifteen days after July
14 1, 2002.

15 Allocations by the Governor shall be through incentive
16 grants to encourage the development of strategic school improvement
17 plans by school districts for accomplishing high performance
18 learning and to encourage schools to establish innovations in
19 programs or practices that result in restructuring of school
20 organization, school management, and instructional programs which
21 bring about improvement in the quality of education. Such
22 incentive grants allocated by the Governor are intended to provide
23 selected school districts, teachers or groups of teachers,
24 nonprofit educational organizations, educational service units, or
25 cooperatives funding for the allowable costs of implementing pilot
26 projects and model programs.

27 From the funds allocated by the Governor, minigrants

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1 shall be available to school districts to support the development
2 of strategic school improvement plans which shall include
3 statements of purposes and goals for the districts. The plans
4 shall also include the specific statements of improvement or
5 strategic initiatives designed to improve quality learning for
6 every student.

7 In addition to the minigrants granted for the development
8 of strategic school improvement plans, school districts with annual
9 budget expenditures of three hundred fifty thousand dollars or less
10 are eligible for minigrants from the funds allocated by the
11 Governor for the purposes allowed in subdivisions (2)(a) through
12 (q) of this section. The amount of this type of minigrant shall
13 not exceed five thousand dollars. The school district shall
14 present a curriculum support plan with its application for the
15 grant. The curriculum support plan must show how the district is
16 working to achieve one or more of the allowed purposes and how the
17 grant will be used to directly advance the plan to achieve one or
18 more of these purposes. The plan must be signed by the school
19 administrator and a school board representative. The application
20 for the grant shall be brief. The Excellence in Education Council
21 shall select the recipients of this type of minigrant and shall
22 administer such minigrants.

23 From the funds allocated by the Governor, major
24 competitive grants shall be available to support innovative
25 programs which are directly related to the strategic school
26 improvement plans. The development of a strategic school
27 improvement plan by a school district shall be required before a

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1 grant is awarded. Annual reports shall be made by program
2 recipients documenting the effectiveness of the program in
3 improving the quality of education as designed in the strategic
4 school improvement plans. Special consideration shall be given to
5 plans which contain public or private matching funds and
6 cooperative agreements, including agreements for in-kind services.
7 Purposes for which such major competitive grants would be offered
8 shall include:

9 (a) Professional staff development programs to provide
10 funds for teacher and administrator training and continuing
11 education to upgrade teaching and administrative skills;

12 (b) The development of strategic school improvement plans
13 by school districts;

14 (c) Educational technology assistance to public schools
15 for the purchase and operation of computers, telecommunications
16 equipment and services, and other forms of technological innovation
17 which may enhance classroom teaching, instructional management, and
18 districtwide administration. Telecommunications equipment,
19 services, and forms of technical innovation shall be approved only
20 after review by the technical panel created in section 86-1511;

21 (d) An educational accountability program to develop an
22 educational indicators system to measure the performance and
23 outcomes of public schools and to ensure efficiency in operations;

24 (e) Alternative programs for students, including
25 underrepresented groups, at-risk students, and dropouts;

26 (f) Programs that demonstrate improvement of student
27 performance against valid national and international achievement

1 standards;

2 (g) Early childhood and parent education which emphasizes
3 child development;

4 (h) Programs using decisionmaking models that increase
5 involvement of parents, teachers, and students in school
6 management;

7 (i) Increased involvement of the community in order to
8 achieve increased confidence in and satisfaction with its schools;

9 (j) Development of magnet or model programs designed to
10 facilitate desegregation;

11 (k) Programs that address family and social issues
12 impairing the learning productivity of students;

13 (l) Programs enhancing critical and higher-order thinking
14 capabilities;

15 (m) Programs which produce the quality of education
16 necessary to guarantee a competitive work force;

17 (n) Programs designed to increase productivity of staff
18 and students through innovative use of time;

19 (o) Training programs designed to benefit teachers at all
20 levels of education by increasing their ability to work with
21 educational technology in the classroom;

22 (p) Approved accelerated or differentiated curriculum
23 programs under sections 79-1106 to 79-1108.03; and

24 (q) Programs for children from birth to age twenty-one
25 years with disabilities receiving special education under the
26 Special Education Act and children from birth to age twenty-one
27 years needing support services as defined in section 79-1125.01,

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1 which programs demonstrate improved outcomes for children from
2 birth to age twenty-one years through emphasis on prevention and
3 collaborative planning.

4 The Governor shall establish the Excellence in Education
5 Council. The Governor shall appoint eleven members to the council
6 including representatives of educational organizations,
7 postsecondary educational institutions, the business community, and
8 the general public, members of school boards and parent education
9 associations, school administrators, and at least four teachers who
10 are engaged in classroom teaching. The State Department of
11 Education shall provide staff support for the council to administer
12 the Education Innovation Fund, including the Quality Education
13 Accountability Act. The council shall have the following powers
14 and duties:

15 (i) In consultation with the department, develop and
16 publish criteria for the awarding of incentive grants allocated by
17 the Governor for programs pursuant to this subsection, including
18 minigrants;

19 (ii) Provide recommendations to the Governor regarding
20 the selection of projects to be funded and the distribution and
21 duration of project funding;

22 (iii) Establish standards, formats, procedures, and
23 timelines for the successful implementation of approved programs
24 funded by incentive grants allocated by the Governor from the
25 Education Innovation Fund;

26 (iv) Assist school districts in determining the
27 effectiveness of the innovations in programs and practices and

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1 measure the subsequent degree of improvement in the quality of
2 education;

3 (v) Consider the reasonable distribution of funds across
4 the state and all classes of school districts;

5 (vi) Carry out its duties pursuant to the Quality
6 Education Accountability Act; and

7 (vii) Provide annual reports to the Governor concerning
8 programs funded by the fund. Each report shall include the number
9 of applicants and approved applicants, an overview of the various
10 programs, objectives, and anticipated outcomes, and detailed
11 reports of the cost of each program.

12 To assist the council in carrying out its duties, the
13 State Board of Education shall, in consultation with the council,
14 adopt and promulgate rules and regulations establishing criteria,
15 standards, and procedures regarding the selection and
16 administration of programs funded from the Education Innovation
17 Fund, including the Quality Education Accountability Act.

18 (3) Recipients of incentive grants allocated by the
19 Governor from the Education Innovation Fund shall be required to
20 provide, upon request, such data relating to the funded programs
21 and initiatives as the Governor deems necessary.

22 (4) Any money in the State Lottery Operation Trust Fund,
23 the State Lottery Operation Cash Fund, the State Lottery Prize
24 Trust Fund, or the Education Innovation Fund available for
25 investment shall be invested by the state investment officer
26 pursuant to the Nebraska Capital Expansion Act and the Nebraska
27 State Funds Investment Act.

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1 (5) Unclaimed prize money on a winning lottery ticket
2 shall be retained for a period of time prescribed by rules and
3 regulations. If no claim is made within such period, the prize
4 money shall be used at the discretion of the Tax Commissioner for
5 any of the purposes prescribed in this section.

6 Sec. 4. Section 43-1906, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 43-1906. (1) There is hereby established the Nebraska
9 Child Abuse Prevention Fund. The Legislature shall appropriate two
10 hundred fifty thousand dollars each year from the General Fund to
11 the Nebraska Child Abuse Prevention Fund except for fiscal year
12 2002-03. All amounts which may be received from grants, gifts,
13 bequests, the federal government, or other sources granted or given
14 for the purposes specified in sections 43-1901 to 43-1906 shall be
15 remitted to the State Treasurer for credit to the Nebraska Child
16 Abuse Prevention Fund. The fund shall be administered and
17 disbursed by the department.

18 (2) Any money in the fund available for investment shall
19 be invested by the state investment officer pursuant to the
20 Nebraska Capital Expansion Act and the Nebraska State Funds
21 Investment Act.

22 (3) Until the amount in the fund exceeds two and one-half
23 million dollars, not more than seventy-five percent of the money
24 credited to the fund each year plus seventy-five percent of all
25 earnings from the investment of money in the fund credited during
26 the previous fiscal year shall be available for disbursement by the
27 board in accordance with sections 43-1901 to 43-1906, except that

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1 any amounts which may be received from any grants, gifts, bequests,
2 the federal government, or other sources shall be disbursed
3 pursuant to the conditions imposed by such sources. For fiscal
4 year 2002-03 only, the principal of the fund may be disbursed by
5 the board in accordance with such sections in an amount not to
6 exceed two hundred fifty thousand dollars. Money not available for
7 disbursement shall be retained and accumulated in the fund. When
8 the assets in the fund exceed two and one-half million dollars,
9 only the earnings from the investment of money in the fund credited
10 during the previous fiscal year or other income credited to the
11 fund shall be available for disbursement by the board in accordance
12 with such sections.

13 (4) In any one fiscal year, no more than twenty percent
14 of the annually available funds as provided in subsection (3) of
15 this section shall be disbursed to any one agency, organization, or
16 individual.

17 (5) Funds allocated from the fund shall only be used for
18 purposes authorized under such sections and shall not be used to
19 supplant any existing governmental program or service. No grants
20 may be made to any state department or agency.

21 (6) When the State Treasurer certifies that the assets in
22 the fund exceed two and one-half million dollars, the additional
23 docket fees prescribed in section 33-106.03 and the additional
24 charge for supplying a certified copy of the record of any birth as
25 provided in sections 71-612, 71-617.15, 71-627, and 71-628 shall be
26 terminated.

27 Sec. 5. Section 48-1,116, Reissue Revised Statutes of

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1 Nebraska, is amended to read:

2 48-1,116. The Compensation Court Cash Fund is hereby
3 created. The fund shall be used to aid in providing for the
4 expense of administering the Nebraska Workers' Compensation Act and
5 the payment of the salaries and expenses of the personnel of the
6 Nebraska Workers' Compensation Court.

7 All fees received pursuant to sections 48-120, 48-120.02,
8 48-138, 48-139, 48-145.04, 48-157, 48-162, and 48-165 shall be
9 remitted to the State Treasurer for credit to the ~~fund~~ Compensation
10 Court Cash Fund. The fund shall also consist of amounts credited
11 to the fund pursuant to sections 48-1,113, 48-1,114, and 77-912.
12 The State Treasurer may receive and credit to the fund any money
13 which may at any time be contributed to the state or the fund by
14 the federal government or any agency thereof to which the state may
15 be or become entitled under any act of Congress or otherwise by
16 reason of any payment made from the fund.

17 Any money in the fund available for investment shall be
18 invested by the state investment officer pursuant to the Nebraska
19 Capital Expansion Act and the Nebraska State Funds Investment Act.

20 The State Treasurer shall transfer four million dollars
21 from the Compensation Court Cash Fund to the General Fund within
22 fifteen days after July 1, 2002.

23 Sec. 6. Section 60-1409, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-1409. The Nebraska Motor Vehicle Industry Licensing
26 Fund is created. All fees collected under Chapter 60, article 14,
27 shall be remitted by the board, as collected, to the State

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1 Treasurer for credit to the fund. Such fund shall be appropriated
2 by the Legislature for the operations of the Nebraska Motor Vehicle
3 Industry Licensing Board and shall be paid out from time to time by
4 warrants of the Director of Administrative Services on the State
5 Treasurer for authorized expenditures upon duly itemized vouchers
6 executed as provided by law and approved by the chairperson of the
7 board or the executive secretary, except that transfers from the
8 fund to the General Fund may be made at the direction of the
9 Legislature. The expenses of conducting the office must always be
10 kept within the income collected and reported to the State
11 Treasurer by such board. Such office and expense thereof shall not
12 be supported or paid from the General Fund, and all money deposited
13 in the Nebraska Motor Vehicle Industry Licensing Fund shall be
14 expended only for such office and expense thereof and, unless
15 determined by the board, it shall not be required to expend any
16 funds to any person or any other governmental agency.

17 Any money in the ~~fund~~ Nebraska Motor Vehicle Industry
18 Licensing Fund available for investment shall be invested by the
19 state investment officer pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act. The ~~Nebraska~~
21 ~~Motor Vehicle Industry Licensing Fund~~ fund shall be audited
22 annually by the Auditor of Public Accounts.

23 The State Treasurer shall transfer five hundred thousand
24 dollars from the Nebraska Motor Vehicle Industry Licensing Fund to
25 the General Fund within fifteen days after July 1, 2002.

26 Sec. 7. Section 66-1519, Revised Statutes Supplement,
27 2001, is amended to read:

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1 66-1519. There is hereby created the Petroleum Release
2 Remedial Action Cash Fund to be administered by the department.
3 Revenue from the following sources shall be remitted to the State
4 Treasurer for credit to the fund:

5 (1) The fees imposed by sections 66-1520 and 66-1521;

6 (2) Money paid under an agreement, stipulation,
7 cost-recovery award under section 66-1529.02, or settlement; and
8 (3) Money received by the department in the form of
9 gifts, grants, reimbursements, property liquidations, or
10 appropriations from any source intended to be used for the purposes
11 of the fund.

12 Money in the fund may only be spent for: (a)
13 Reimbursement for the costs of remedial action by a responsible
14 person or his or her designated representative and costs of
15 remedial action undertaken by the department in response to a
16 release first reported after July 17, 1983, and on or before June
17 30, 2005, including reimbursement for damages caused by the
18 department or a person acting at the department's direction while
19 investigating or inspecting or during remedial action on property
20 other than property on which a release or suspected release has
21 occurred; (b) payment of any amount due from a third-party claim;
22 (c) fee collection expenses incurred by the State Fire Marshal; (d)
23 direct expenses incurred by the department in carrying out the
24 Petroleum Release Remedial Action Act; (e) other costs related to
25 fixtures and tangible personal property as provided in section
26 66-1529.01; (f) interest payments as allowed by section 66-1524;
27 (g) expenses incurred by the technical advisory committee created

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1 in section 81-15,189 in carrying out its duties pursuant to section
2 81-15,190; (h) claims approved by the State Claims Board authorized
3 under section 66-1531; and (i) methyl tertiary butyl ether testing,
4 to be conducted randomly at terminals within the state for up to
5 two years ending June 30, 2003. The amount expended on the testing
6 shall not exceed forty thousand dollars. The testing shall be
7 conducted by the Department of Agriculture. The department may
8 enter into contractual arrangements for such purpose. The results
9 of the tests shall be made available to the Department of
10 Environmental Quality.

11 Transfers may be made from the Petroleum Release Remedial
12 Action Cash Fund to the General Fund at the direction of the
13 Legislature. Any money in the ~~fund~~ Petroleum Release Remedial
14 Action Cash Fund available for investment shall be invested by the
15 state investment officer pursuant to the Nebraska Capital Expansion
16 Act and the Nebraska State Funds Investment Act. Within fifteen
17 days after July 1, 2002, the State Treasurer shall transfer six
18 million dollars from the Petroleum Release Remedial Action Cash
19 Fund to the General Fund.

20 Sec. 8. Section 71-5714, Revised Statutes Supplement,
21 2000, is amended to read:

22 71-5714. The Tobacco Prevention and Control Cash Fund is
23 created. ~~The~~ Except as otherwise provided in this section, the
24 fund shall be appropriated by the Legislature for a comprehensive
25 statewide tobacco-related public health program, including, but not
26 limited to: (1) Community programs to reduce tobacco use, (2)
27 chronic disease programs, (3) school programs, (4) statewide

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1 programs, (5) enforcement, (6) counter marketing, (7) cessation
2 programs, (8) surveillance and evaluation, (9) administration, and
3 (10) the Teen Tobacco Education and Prevention Project. The State
4 Treasurer shall transfer five million dollars from the Tobacco
5 Prevention and Control Cash Fund to the Department of Health and
6 Human Services Finance and Support Cash Fund within five days after
7 the effective date of this act. The Legislature is not required to
8 appropriate all available revenue from the ~~fund~~ Tobacco Prevention
9 and Control Cash Fund for such purpose in any given year. The
10 Health and Human Services Committee of the Legislature shall make
11 annual recommendations for appropriations from the fund. Any money
12 in the fund available for investment shall be invested by the state
13 investment officer pursuant to the Nebraska Capital Expansion Act
14 and the Nebraska State Funds Investment Act.

15 Sec. 9. Section 77-1342, Revised Statutes Supplement,
16 2001, is amended to read:

17 77-1342. There is hereby created a fund to be known as
18 the Department of Property Assessment and Taxation Cash Fund to
19 which shall be credited all money received by the Department of
20 Property Assessment and Taxation for services performed for county
21 and multicounty assessment districts, for charges for publications,
22 manuals, and lists, as an assessor's examination fee authorized by
23 section 77-421, and under the provisions of sections 60-305.15,
24 77-684, and 77-1250. The fund shall be used ~~to develop assessment~~
25 ~~manuals, including the manual required by section 77-1362, and~~
26 ~~distribute them to the counties, to implement sections 77-415 and~~
27 ~~77-420, to develop programs or models to improve the assessment of~~

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1 ~~taxable property, to institute a program for land record~~
2 ~~modernization, and to engage competent counsel to carry out any~~
3 ~~duties and responsibilities of the department.~~ The county or
4 multicounty assessment district shall be billed by the department
5 for services rendered. Reimbursements to the department shall be
6 credited to the fund, and expenditures therefrom shall be made only
7 when such funds are available. The department shall only bill for
8 the actual amount expended in performing the service.

9 The fund shall not, at the close of each year, be lapsed
10 to the General Fund. Any money in the Department of Property
11 Assessment and Taxation Cash Fund available for investment shall be
12 invested by the state investment officer pursuant to the Nebraska
13 Capital Expansion Act and the Nebraska State Funds Investment Act.

14 Sec. 10. Section 77-4025, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 77-4025. There is hereby created a cash fund in the
17 Department of Revenue to be known as the Tobacco Products
18 Administration Cash Fund. All revenue collected or received by the
19 Tax Commissioner from the license fees and taxes imposed by the
20 Tobacco Products Tax Act shall be remitted to the State Treasurer
21 for credit to the Tobacco Products Administration Cash Fund. All
22 costs required for administration of the Tobacco Products Tax Act
23 shall be paid from such fund. Credits and refunds allowed under
24 the act shall be paid from the Tobacco Products Administration Cash
25 Fund. Any receipts, after credits and refunds, in excess of the
26 amounts sufficient to cover the costs of administration ~~shall lapse~~
27 may be transferred to the General Fund at the direction of the

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1 Legislature. The State Treasurer shall transfer two million
2 dollars from the Tobacco Products Administration Cash Fund to the
3 General Fund within fifteen days after July 1, 2002. Any money in
4 the Tobacco Products Administration Cash Fund available for
5 investment shall be invested by the state investment officer
6 pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 Sec. 11. Section 81-179, Revised Statutes Supplement,
9 2000, is amended to read:

10 81-179. (1) There is hereby created under the control of
11 the Governor, for allocation to building renewal projects of the
12 various agencies, a fund to be known as the Building Renewal
13 Allocation Fund. The fund shall contain the revenue from the
14 special privilege tax as provided in section 77-2602 and such other
15 money as is appropriated by the Legislature. Such appropriation is
16 declared to consist of building renewal funds which shall be kept
17 separate and distinct from the program continuation funds and
18 project construction funds.

19 (2) Separate subfunds, subprograms, projects, or accounts
20 shall be established to separately account for any expenditures on
21 state buildings or facilities to comply with the federal Americans
22 with Disabilities Act of 1990. A minimal amount of the funds
23 contained in the subfunds, subprograms, projects, or accounts may
24 be used for planning and evaluation of buildings and facilities.

25 (3) The budget division of the Department of
26 Administrative Services may administratively transfer funds to
27 appropriate accounting entities to correctly account for the

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1 operating expenditures. A separate fund, cash fund, project, or
2 other account may be administratively established for such purpose.

3 (4) Subject to appropriations approved by the
4 Legislature, for any fiscal year an amount not to exceed two
5 percent of the total revenue credited to the fund in the second
6 preceding fiscal year may be expended to meet the cost of
7 administering the Deferred Building Renewal Act.

8 (5) Any money in the fund available for investment shall
9 be invested by the state investment officer pursuant to the
10 Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act. On or after July 1, 2001, and before July 15,
12 2001, the State Treasurer shall transfer the unexpended balance in
13 the Century Date Change subfund of the Building Renewal Allocation
14 Fund to the Information Technology Infrastructure Fund.

15 Sec. 12. Section 81-184, Revised Statutes Supplement,
16 2000, is amended to read:

17 81-184. The cost of administration of the Deferred
18 Building Renewal Act shall be paid from the General Fund, the
19 Building Renewal Allocation Fund, the State Building Renewal
20 Assessment Fund, the University Building Renewal Assessment Fund,
21 and the State College Building Renewal Assessment Fund in such
22 amounts as may be appropriated by the Legislature. as the
23 Legislature shall appropriate. The Governor shall each
24 odd-numbered year submit a specific itemized appropriation request
25 to cover such administrative costs.

26 Sec. 13. Section 81-188.01, Revised Statutes Supplement,
27 2000, is amended to read:

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1 81-188.01. (1) The State Building Renewal Assessment
2 Fund is created. The fund shall be under the control of the
3 Governor for allocation to building renewal projects of the various
4 agencies and shall be administered in a manner consistent with the
5 administration of the Building Renewal Allocation Fund pursuant to
6 the Deferred Building Renewal Act. No amounts accruing to the
7 State Building Renewal Assessment Fund shall be transferred to any
8 other fund and no amounts accruing to the fund shall be expended in
9 any manner for purposes other than as provided in this section.
10 Subject to appropriations approved by the Legislature, for any
11 fiscal year an amount not to exceed two percent of the total
12 revenue credited to the fund in the second preceding fiscal year
13 may be expended to meet the cost of administering the act.

14 (2) Revenue credited to the fund shall include amounts
15 derived from charges assessed pursuant to subdivision (6) (b) of
16 section 81-1108.17, depreciation charges remitted pursuant to
17 section 81-188.02, and such other revenue as may be incident to the
18 administration of the fund.

19 (3) Amounts appropriated from the fund shall be expended
20 to conduct renewal work as defined in section 81-173 and to
21 complete other improvements incident to such renewal work as deemed
22 necessary or appropriate by the task force. ~~Expenditures from the~~
23 ~~fund~~ From amounts accruing to the fund as the result of
24 depreciation charges assessed pursuant to subdivision (6) (b) of
25 section 81-1108.17, expenditures for capital improvements shall be
26 limited to improvements to only those facilities for which such
27 ~~charges or fees imposed pursuant to section 81-188.02 or~~

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1 ~~subdivision (6)(b) of section 81-1108.17~~ have been assessed and
2 remitted. From amounts accruing to the fund as the result of
3 depreciation charges assessed pursuant to section 81-188.02,
4 expenditures for capital improvement projects shall be limited to
5 exclude (a) capital improvement projects relating to facilities,
6 structures, or buildings owned, leased, or operated by the (i)
7 University of Nebraska, (ii) Nebraska state colleges, (iii)
8 Department of Aeronautics, (iv) Department of Roads, (v) Game and
9 Parks Commission, or (vi) Board of Educational Lands and Funds, and
10 (b) capital improvement projects relating to facilities,
11 structures, or buildings for which depreciation charges are
12 assessed pursuant to subdivision (6)(b) of section 81-1108.17.
13 Except to conduct renewal work of an emergency nature and to meet
14 the cost of administering the act, no amounts accruing to the fund
15 as the result of depreciation charges assessed pursuant to section
16 81-188.02 shall be expended prior to July 1, 2003. For each of
17 fiscal years 2003-04 through 2008-09, expenditure of amounts
18 accruing to the fund as the result of depreciation charges assessed
19 pursuant to section 81-188.02 shall not exceed fifty percent of
20 such revenue credited to the fund in the second preceding fiscal
21 year. For fiscal year 2009-10 and each fiscal year thereafter,
22 expenditure of amounts accruing to the fund as the result of
23 depreciation charges assessed pursuant to section 81-188.02 shall
24 not exceed the total of such revenue credited to the fund in the
25 second preceding fiscal year. ~~For facilities for which charges~~
26 ~~have been assessed only pursuant to section 81-188.02, no amounts~~
27 ~~shall be expended from the fund for any such facility for a period~~

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1 ~~of not less than five fiscal years from the initial assessment of~~
2 ~~the depreciation charge for any such facility, except to conduct~~
3 ~~renewal work, as defined in section 81-173, of an emergency nature.~~

4 (4) Any money in the fund available for investment shall
5 be invested by the state investment officer pursuant to the
6 Nebraska Capital Expansion Act and the Nebraska State Funds
7 Investment Act.

8 Sec. 14. Section 81-188.02, Revised Statutes Supplement,
9 2001, is amended to read:

10 81-188.02. (1) For purposes of this section, capital
11 improvement project means (a) construction of a new facility,
12 structure, or building, (b) construction of additions to an
13 existing facility, structure, or building, (c) renovation of an
14 existing facility, structure, or building if the total project cost
15 of such renovation represents not less than fifteen percent of the
16 value of the existing facility, structure, or building as
17 determined by the Department of Administrative Services, (d)
18 purchase of an existing facility, structure, or building, and (e)
19 acquisition of a facility, structure, or building through means of
20 conveyance other than sale and purchase.

21 (2) Beginning with the fiscal year that commences
22 subsequent to the calendar year in which has occurred substantial
23 completion of a capital improvement project as defined in
24 subdivisions (1)(a) through (1)(c) of this section or acquisition
25 of a capital improvement project as defined in subdivisions (1)(d)
26 and (1)(e) of this section, the department shall assess a capital
27 improvement depreciation charge to the agency maintaining ownership

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1 or control of the related facility, structure, or building and
2 shall assess such charge for each fiscal year thereafter.

3 (3) The annual depreciation charge for a capital
4 improvement project as defined in subdivisions (1)(a) through
5 (1)(c) of this section shall be computed as two percent of the
6 total project cost of the capital improvement project. The annual
7 depreciation charge for a capital improvement project as defined in
8 subdivision (1)(d) of this section shall be computed as two percent
9 of the greater of the purchase price or the value, as determined by
10 the department, of the capital improvement project at the time of
11 acquisition. The annual depreciation charge for a capital
12 improvement project as defined in subdivision (1)(e) of this
13 section shall be computed as two percent of the value, as
14 determined by the department, of the capital improvement project at
15 the time of acquisition. The department may assess the charge
16 annually or in monthly, quarterly, or semiannual installments.

17 (4)(a) Depreciation charges shall be assessed for capital
18 improvement projects as defined in subdivisions (1)(a) through
19 (1)(d) of this section (i) for which funds have been appropriated
20 for fiscal year 1997-98 and fiscal years thereafter, excluding
21 reappropriation of fiscal year 1996-97 or prior period undisbursed
22 appropriation balances, or (ii) which are to be completed or
23 acquired by means other than the expenditure of appropriated funds
24 and which are either initiated or acquired in fiscal year 1997-98
25 and fiscal years thereafter.

26 (b) Depreciation charges shall be assessed for capital
27 improvement projects as defined in subdivision (1)(e) of this

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1 section for capital improvement projects acquired, either by
2 expenditure of appropriated funds or other means, in fiscal year
3 1997-98 and fiscal years thereafter. Depreciation charges shall
4 not be assessed pursuant to this section for capital improvement
5 projects relating to facilities, structures, or buildings owned,
6 leased, or operated by the: (i) University of Nebraska; (ii)
7 Nebraska state colleges; (iii) Department of Aeronautics; (iv)
8 Department of Roads; (v) Game and Parks Commission; or (vi) Board
9 of Educational Lands and Funds or to other buildings or grounds
10 owned, leased, or operated by the State of Nebraska which are
11 specifically exempted by the Department of Administrative Services
12 because the assessment of such depreciation charges would result in
13 the ineligibility for federal funding or would result in hardship
14 on an agency, board, or commission due to other exceptional or
15 unusual circumstances. Depreciation charges shall not be assessed
16 pursuant to this section for capital improvement projects relating
17 to facilities, structures, or buildings of which the department is
18 custodian pursuant to section 81-1108.17 and for which charges are
19 assessed pursuant to subdivision (6) (b) of such section.

20 (5) Payment of depreciation charges assessed pursuant to
21 this section shall be remitted to the State Treasurer for credit to
22 the State Building Renewal Assessment Fund.

23 Sec. 15. Section 81-188.03, Revised Statutes Supplement,
24 2000, is amended to read:

25 81-188.03. (1) The University Building Renewal
26 Assessment Fund is created. The fund shall be under the control of
27 the Governor for allocation to building renewal projects of the

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1 University of Nebraska and shall be administered in a manner
2 consistent with administration of the Building Renewal Allocation
3 Fund pursuant to the Deferred Building Renewal Act. No amounts
4 accruing to the University Building Renewal Assessment Fund shall
5 be transferred to any other fund and no amounts accruing to the
6 fund shall be expended in any manner for purposes other than as
7 provided in this section. Subject to appropriations approved by
8 the Legislature, for any fiscal year an amount not to exceed two
9 percent of the total revenue credited to the fund in the second
10 preceding fiscal year may be expended to meet the cost of
11 administering the act.

12 (2) Revenue credited to the fund shall include amounts
13 derived from depreciation charges remitted pursuant to section
14 81-188.04 and such other revenue as may be incident to the
15 administration of the fund.

16 (3) Amounts appropriated from the fund shall be expended
17 to conduct renewal work as defined in section 81-173 and to
18 complete other improvements incident to such renewal work as deemed
19 necessary or appropriate by the task force. Expenditures from the
20 fund for capital improvements shall be limited to ~~improvements to~~
21 ~~only those facilities for which depreciation charges imposed~~
22 ~~pursuant to section 81-188.04 have been assessed and remitted for a~~
23 ~~period of not less than five fiscal years~~ exclude expenditures for
24 capital improvement projects relating to facilities, structures, or
25 buildings from which revenue is derived and pledged for the
26 retirement of revenue bonds issued under sections 85-403 to 85-411.
27 Except to conduct renewal work of an emergency nature and to meet

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1 the cost of administering the act, no amounts shall be expended
2 from the fund prior to July 1, 2003. For each of fiscal years
3 2003-04 through 2008-09, appropriations from the fund shall not
4 exceed fifty percent of total revenue credited to the fund in the
5 second preceding fiscal year. For fiscal year 2009-10 and each
6 fiscal year thereafter, appropriations from the fund shall not
7 exceed total revenue credited to the fund in the second preceding
8 fiscal year.

9 (4) Any money in the fund available for investment shall
10 be invested by the state investment officer pursuant to the
11 Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act.

13 Sec. 16. Section 81-188.04, Revised Statutes Supplement,
14 2000, is amended to read:

15 81-188.04. (1) For purposes of this section, capital
16 improvement project means (a) construction of a new facility,
17 structure, or building, (b) construction of additions to an
18 existing facility, structure, or building, (c) renovation of an
19 existing facility, structure, or building if the total project cost
20 of such renovation represents not less than fifteen percent of the
21 value of the existing facility, structure, or building as
22 determined by the Department of Administrative Services, (d)
23 purchase of an existing facility, structure, or building, and (e)
24 acquisition of a facility, structure, or building through means of
25 conveyance other than sale and purchase.

26 (2) Beginning with the fiscal year that commences
27 subsequent to the calendar year in which has occurred substantial

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1 completion of a capital improvement project by the University of
2 Nebraska as defined in subdivisions (1)(a) through (1)(c) of this
3 section or acquisition of a capital improvement project by the
4 University of Nebraska as defined in subdivisions (1)(d) and (1)(e)
5 of this section, the department shall assess a capital improvement
6 depreciation charge to the Board of Regents of the University of
7 Nebraska and shall assess such charge for each fiscal year
8 thereafter.

9 (3) The annual depreciation charge for a capital
10 improvement project as defined in subdivisions (1)(a) through
11 (1)(c) of this section shall be computed as two percent of the
12 total project cost of the capital improvement project. The annual
13 depreciation charge for a capital improvement project as defined in
14 subdivision (1)(d) of this section shall be computed as two percent
15 of the greater of the purchase price or the value, as determined by
16 the department, of the capital improvement project at the time of
17 acquisition. The annual depreciation charge for a capital
18 improvement project as defined in subdivision (1)(e) of this
19 section shall be computed as two percent of the value, as
20 determined by the department, of the capital improvement project at
21 the time of acquisition. The department may assess the charge
22 annually or in monthly, quarterly, or semiannual installments.

23 (4) Depreciation charges shall be assessed for capital
24 improvement projects as defined in subdivisions (1)(a) through
25 (1)(d) of this section (a) for which funds have been appropriated
26 for fiscal year 1997-98 and fiscal years thereafter, excluding
27 reappropriation of fiscal year 1996-97 or prior period undisbursed

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1 appropriation balances, or (b) which are to be completed or
2 acquired by means other than the expenditure of appropriated funds
3 and which are either initiated or acquired in fiscal year 1997-98
4 and fiscal years thereafter. Depreciation charges shall be
5 assessed for capital improvement projects as defined in subdivision
6 (1)(e) of this section for capital improvement projects acquired,
7 either by expenditure of appropriated funds or other means, in
8 fiscal year 1997-98 and fiscal years thereafter. Depreciation
9 charges shall not be assessed pursuant to this section for capital
10 improvement projects relating to facilities, structures, or
11 buildings from which revenue is derived and pledged for the
12 retirement of revenue bonds issued under sections 85-403 to 85-411.

13 (5) Payment of depreciation charges assessed pursuant to
14 this section shall be remitted to the State Treasurer for credit to
15 the University Building Renewal Assessment Fund.

16 Sec. 17. Section 81-188.05, Revised Statutes Supplement,
17 2000, is amended to read:

18 81-188.05. (1) The State College Building Renewal
19 Assessment Fund is created. The fund shall be under the control of
20 the Governor for allocation to building renewal projects of the
21 Nebraska state colleges and shall be administered in a manner
22 consistent with the administration of the Building Renewal
23 Allocation Fund pursuant to the Deferred Building Renewal Act. No
24 amounts accruing to the State College Building Renewal Assessment
25 Fund shall be transferred to any other fund and no amounts accruing
26 to the fund shall be expended in any manner for purposes other than
27 as provided in this section. Subject to appropriations approved by

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1 the Legislature, for any fiscal year an amount not to exceed two
2 percent of the total revenue credited to the fund in the second
3 preceding fiscal year may be expended to meet the cost of
4 administering the act.

5 (2) Revenue credited to the fund shall include amounts
6 derived from depreciation charges remitted pursuant to section
7 81-188.06 and such other revenue as may be incident to
8 administration of the fund.

9 (3) Amounts appropriated from the fund shall be expended
10 to conduct renewal work as defined in section 81-173 and to
11 complete other improvements incident to such renewal work as deemed
12 necessary or appropriate by the task force. Expenditures from the
13 fund for capital improvements shall be limited to ~~improvements to~~
14 ~~only those facilities for which depreciation charges imposed~~
15 ~~pursuant to section 81-188.06 have been assessed and remitted for a~~
16 ~~period of not less than five fiscal years~~ exclude expenditures for
17 capital improvement projects relating to facilities, structures, or
18 buildings from which revenue is derived and pledged for the
19 retirement of revenue bonds issued under sections 85-403 to 85-411.
20 Except to conduct renewal work of an emergency nature and to meet
21 the cost of administering the act, no amounts shall be expended
22 from the fund prior to July 1, 2003. For each of fiscal years
23 2003-04 through 2008-09, appropriations from the fund shall not
24 exceed fifty percent of total revenue credited to the fund in the
25 second preceding fiscal year. For fiscal year 2009-10 and each
26 fiscal year thereafter, appropriations from the fund shall not
27 exceed total revenue credited to the fund in the second preceding

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1 fiscal year.

2 (4) Any money in the fund available for investment shall
3 be invested by the state investment officer pursuant to the
4 Nebraska Capital Expansion Act and the Nebraska State Funds
5 Investment Act.

6 Sec. 18. Section 81-188.06, Revised Statutes Supplement,
7 2000, is amended to read:

8 81-188.06. (1) For purposes of this section, capital
9 improvement project means (a) construction of a new facility,
10 structure, or building, (b) construction of additions to an
11 existing facility, structure, or building, (c) renovation of an
12 existing facility, structure, or building if the total project cost
13 of such renovation represents not less than fifteen percent of the
14 value of the existing facility, structure, or building as
15 determined by the Department of Administrative Services, (d)
16 purchase of an existing facility, structure, or building, and (e)
17 acquisition of a facility, structure, or building through means of
18 conveyance other than sale and purchase.

19 (2) Beginning with the fiscal year that commences
20 subsequent to the calendar year in which has occurred substantial
21 completion of a capital improvement project by the Nebraska state
22 colleges as defined in subdivisions (1)(a) through (1)(c) of this
23 section or acquisition of a capital improvement project by the
24 Nebraska state colleges as defined in subdivisions (1)(d) and
25 (1)(e) of this section, the department shall assess a depreciation
26 charge to the Board of Trustees of the Nebraska State Colleges and
27 shall assess such charge for each fiscal year thereafter.

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1 (3) The annual depreciation charge for a capital
2 improvement project as defined in subdivisions (1)(a) through
3 (1)(c) of this section shall be computed as two percent of the
4 total project cost of the capital improvement project. The annual
5 depreciation charge for a capital improvement project as defined in
6 subdivision (1)(d) of this section shall be computed as two percent
7 of the greater of the purchase price or the value, as determined by
8 the department, of the capital improvement project at the time of
9 acquisition. The annual depreciation charge for a capital
10 improvement project as defined in subdivision (1)(e) of this
11 section shall be computed as two percent of the value, as
12 determined by the department, of the capital improvement project at
13 the time of acquisition. The department may assess the charge
14 annually or in monthly, quarterly, or semiannual installments.

15 (4) Depreciation charges shall be assessed for capital
16 improvement projects as defined in subdivisions (1)(a) through
17 (1)(d) of this section (a) for which funds have been appropriated
18 for fiscal year 1997-98 and fiscal years thereafter, excluding
19 reappropriation of fiscal year 1996-97 or prior period undisbursed
20 appropriation balances, or (b) which are to be completed or
21 acquired by means other than the expenditure of appropriated funds
22 and which are either initiated or acquired in fiscal year 1997-98
23 and fiscal years thereafter. Depreciation charges shall be
24 assessed for capital improvement projects as defined in subdivision
25 (1)(e) of this section for capital improvement projects acquired,
26 either by expenditure of appropriated funds or other means, in
27 fiscal year 1997-98 and fiscal years thereafter. Depreciation

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1 charges shall not be assessed pursuant to this section for capital
2 improvement projects relating to facilities, structures, or
3 buildings from which revenue is derived and pledged for the
4 retirement of revenue bonds issued under sections 85-403 to 85-411.

5 (5) Payment of depreciation charges assessed pursuant to
6 this section shall be remitted to the State Treasurer for credit to
7 the State College Building Renewal Assessment Fund.

8 Sec. 19. Section 81-1188, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1188. All proceeds from the program required by
11 ~~section 81-1186~~ and fifteen percent of all proceeds from the sale
12 of surplus property sold to be remanufactured or reprocessed shall
13 be deposited in the Resource Recovery Fund, which fund is hereby
14 created. Any money in the fund available for investment shall be
15 invested by the state investment officer pursuant to the Nebraska
16 Capital Expansion Act and the Nebraska State Funds Investment Act.
17 The fund shall be used for the administration and implementation of
18 the program. Any excess funds, as determined by the Director of
19 Administrative Services, not necessary for implementation of the
20 program shall be remitted to the State Treasurer for credit to the
21 General Fund. The Resource Recovery Fund is created. The fund
22 shall be administered by the Department of Administrative Services.
23 All proceeds from the program required by section 81-1186 and
24 fifteen percent of all proceeds from the sale of surplus property
25 sold to be remanufactured or reprocessed shall be deposited in the
26 fund. The fund shall be used for the administration and
27 implementation of the program, except that transfers from the fund

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1 to the General Fund may be made at the direction of the
2 Legislature.

3 Any money in the Resource Recovery Fund available for
4 investment shall be invested by the state investment officer
5 pursuant to the Nebraska Capital Expansion Act and the Nebraska
6 State Funds Investment Act.

7 The State Treasurer shall transfer two hundred fifty
8 thousand dollars from the Resource Recovery Fund to the General
9 Fund within fifteen days after July 1, 2002.

10 Sec. 20. Section 84-612, Revised Statutes Supplement,
11 2001, is amended to read:

12 84-612. (1) There is hereby created within the state
13 treasury a fund known as the Cash Reserve Fund which shall be under
14 the direction of the State Treasurer. The fund shall only be used
15 pursuant to this section.

16 (2) The State Treasurer shall transfer funds from the
17 Cash Reserve Fund to the General Fund upon certification by the
18 Director of Administrative Services that the current cash balance
19 in the General Fund is inadequate to meet current obligations.
20 Such certification shall include the dollar amount to be
21 transferred. Any transfers made pursuant to this subsection shall
22 be reversed upon notification by the Director of Administrative
23 Services that sufficient funds are available.

24 ~~(3) On June 15, 2001, the State Treasurer shall transfer~~
25 ~~twenty-eight million dollars from the Cash Reserve Fund to the~~
26 ~~General Fund.~~

27 ~~(4)~~ On July 23, 2001, the State Treasurer shall transfer

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1 three hundred seventy thousand dollars from the Cash Reserve Fund
2 to the Municipal Natural Gas Regulation Revolving Loan Fund for
3 purposes of loaning to Nebraska communities that seek to review
4 natural gas rates. Any transfer made pursuant to this subsection
5 shall be reversed upon notification by the Director of Policy
6 Research that a sufficient court judgment has been obtained.

7 ~~(5) On July 23, 2001, the State Treasurer shall transfer~~
8 ~~twenty-four million eight hundred thousand dollars from the Cash~~
9 ~~Reserve Fund to the General Fund.~~

10 ~~(6) On August 1, 2001, the State Treasurer shall transfer~~
11 ~~thirty-five million dollars from the Cash Reserve Fund to the~~
12 ~~General Fund for purposes of funding the Tax Equity and Educational~~
13 ~~Opportunities Support Act.~~

14 ~~(7) (4) Within fifteen days after July 1, 2002, the State~~
15 ~~Treasurer shall transfer twenty-two million five hundred thousand~~
16 ~~dollars from the Cash Reserve Fund to the General Fund.~~

17 (5) On June 15, 2003, the State Treasurer shall
18 transfer sixty-four million nine hundred thousand dollars from the
19 Cash Reserve Fund to the General Fund.

20 (6) On June 15, 2005, the State Treasurer shall transfer
21 twenty-two million five hundred thousand dollars from the General
22 Fund to the Cash Reserve Fund.

23 Sec. 21. (1) It is the intent of the Legislature, to the
24 extent permissible by law, to reduce General Fund appropriations
25 for the Public Service Commission. Because the commission is a
26 regulatory agency, the Legislature finds that persons regulated by
27 the commission should be responsible for the regulatory costs and

1 expenses of the commission, including a proportionate share of
2 administrative costs and expenses.

3 (2) To reduce dependence upon General Fund
4 appropriations, it is the intent of the Legislature that the
5 commission:

6 (a) Adopt a funding mechanism by January 1, 2006, which
7 may include fees and assessments, for each regulated area within
8 the commission's jurisdiction so that the proceeds collected defray
9 the commission's regulatory costs and expenses related to each
10 regulated area of jurisdiction; and

11 (b) Develop a procedure to annually review the funding
12 mechanism for each regulated area and adjust the funding mechanism,
13 as necessary, to defray the commission's regulatory costs and
14 expenses for each regulated area.

15 (3) The commission shall file a written report with the
16 Clerk of the Legislature on or before December 1 of each year
17 through 2005. The report shall include, for each regulated area
18 within the commission's jurisdiction, the commission's regulatory
19 costs and expenses, the funding mechanism, the amount of proceeds
20 collected, and any recommendations for legislation concerning the
21 funding mechanism.

22 Sec. 22. (1) The Public Service Commission has
23 regulatory authority over telecommunications companies as
24 prescribed in the Intrastate Pay-Per-Call Regulation Act, the
25 Nebraska Telecommunications Universal Service Fund Act, the
26 Telecommunications Relay System Act, the Telephone Consumer
27 Slamming Prevention Act, and sections 75-109, 75-604 to 75-617,

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1 86-801 to 86-811, 86-1001 to 86-1009, 86-1201 to 86-1222, 86-2201
2 to 86-2214, and 86-2301 to 86-2307.

3 (2) In order to defray the costs and expenses of the
4 commission relating to the regulation of telecommunications
5 companies, the commission shall, prior to January 1, 2004, adopt
6 and promulgate rules and regulations to establish and implement a
7 fair and equitable funding mechanism for telecommunications
8 companies regulated by the commission, which funding mechanism may
9 include, but is not limited to, fees and assessments. The funding
10 mechanism shall be based on the commission's regulatory costs and
11 expenses relating to telecommunications companies, including
12 administrative costs and expenses, which may reasonably be
13 anticipated for the year in which such funding mechanism is
14 applicable. The commission shall annually review the funding
15 mechanism and adjust it, as necessary, to defray the commission's
16 regulatory costs and expenses relating to telecommunications
17 companies.

18 (3) The commission shall remit any proceeds collected
19 under a funding mechanism adopted pursuant to this section to the
20 State Treasurer for credit to the Telecommunications Regulation
21 Administration Cash Fund.

22 (4) The Telecommunications Regulation Administration Cash
23 Fund is created. The fund shall be used for the costs and expenses
24 of the commission relating to the regulation of telecommunications
25 companies as described in this section. Any money in the fund
26 available for investment shall be invested by the state investment
27 officer pursuant to the Nebraska Capital Expansion Act and the

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1 Nebraska State Funds Investment Act.

2 Sec. 23. Original sections 43-1906, 48-1,116, 60-1409,
3 77-4025, and 81-1188, Reissue Revised Statutes of Nebraska,
4 sections 71-5714, 81-179, 81-184, 81-188.01, and 81-188.03 to
5 81-188.06, Revised Statutes Supplement, 2000, sections 9-1,101,
6 66-1519, 77-1342, 81-188.02, and 84-612, Revised Statutes
7 Supplement, 2001, and section 9-812, Revised Statutes Supplement,
8 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh
9 Legislature, First Special Session, 2001, are repealed.

10 Sec. 24. Since an emergency exists, this act takes
11 effect when passed and approved according to law.".